

EXHIBIT 5

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

VESTA CORPORATION,

Plaintiff

VS.

VESTA MANAGEMENT SERVICES,
LLC

Defendant

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CIVIL ACTION NO. 4:15-CV-
00719

JURY TRIAL DEMANDED
INJUNCTION REQUESTED

**DEFENDANT, VESTA MANAGEMENT SERVICES, LLC'S OBJECTIONS AND
ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

TO: Plaintiff, Vesta Corporation, by and through its attorneys of record, Richard S. Order, Adam B. Marks and Christopher A. Klepps, Upkike, Kelly & Spellacy, P.C., Hartford, CT.

Plaintiff, Vesta Corporation, by and through its attorneys of record, Ethan G. Gibson and Thomas M. Fulkerson, Fulkerson Lotz LLP, Houston, TX.

Defendant, **Vesta Management Services, LLC**, serves its Objections and Answers to Plaintiff's First Set of Interrogatories.

Respectfully submitted by,

DONATO, MINX, BROWN & ROOL, P.C.



A. SCOT CHASE

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above instrument was sent to the following attorneys-of-record by U.S. certified mail, return receipt requested, hand delivery, and/or fax transmission on this the 10th day of July, 2015.

VIA FACSIMILE (860) 548-2680

Richard S. Order
Adam B. Marks
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A. SCOT CHASE

RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1:

Describe how Vesta Management first became aware of the Mark.

ANSWER: Vesta Management first became aware of the Mark when it received a letter dated January 16, 2015 from counsel for Vesta Corporation.

INTERROGATORY NO. 2:

Describe any trademark search related to the word "Vesta" that Vesta Management commissioned, undertook, or performed and the results of any such search.

ANSWER: Vesta Management did not do a formal trademark search related to the word "Vesta". Laura Krupala with Vesta Management performed internet searches on the name Vesta Management Services.

INTERROGATORY NO. 3:

Identify all employees or outside contractors of Vesta Management responsible for the creation, discovery, or deletion of any reference to the Park Southern Apartments or the Villages of Chesapeake/Avalon in Washington, D.C that appeared on any website or mobile website owned or maintained by Vesta Management.

ANSWER: Bryan Head, CAM
Vice President Business Operations
Vesta Management Services, Inc.
675 Bering Drive, Suite 730
Houston, TX 77057
(713) 784-6200

David Johnson
National Sales Director
Ellipse Communications
(913) 439-1516

INTERROGATORY NO. 4:

State the net profits earned by Vesta Management for each year since it commenced doing business as Vesta Management.

ANSWER: Defendant objects to this Interrogatory as it is overbroad and seeks information that is irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent that it violates the privacy rights of Defendant and seeks information that is sensitive and confidential.

INTERROGATORY NO. 5:

Describe each instance that Vesta Management is aware of where anyone has confused Vesta Management with Vesta Corporation, including internal and external phone calls, correspondence, and discussions.

ANSWER: In February or March of 2015, Tiffany Maeotas, the receptionist for Vesta Management received a call from a person in Washington, D.C. She advised the caller that Vesta Management Services, LLC did not manage any properties in Washington, D.C.